



U.S. Department of Justice

*Office of the United States Trustee
Southern District of New York*

*Alexander Hamilton U.S. Custom House
One Bowling Green, Room 534
New York, New York 10004
Telephone Number 212-510-0500
Facsimile Number 212-668-2255*

February 3, 2023

By ECF

Hon. Martin Glenn
Chief U.S. Bankruptcy Judge
U.S. Bankruptcy Court for the
Southern District of New York
Alexander Hamilton U.S. Custom House
One Bowling Green
New York, New York 10004

Hon. Sean H. Lane
U.S. Bankruptcy Judge
U.S. Bankruptcy Court for the
Southern District of New York
Charles L. Briant Jr. Federal Bldg. & Courthouse
300 Quarropas Street
White Plains, New York 10601

**Re: *Matter of Certain Claims and Noticing Agents' Receipt of Fees in Connection
With Unauthorized Arrangements with Xclaim Inc.*, Misc. Pro. No. 22-00401-MG,
-- and --
In re Madison Square Boys & Girls Club, Inc., Case No. 22-10910-SHL,
United States Bankruptcy Court, Southern District of New York**

Dear Chief Judge Glenn and Judge Lane:

We write respectfully to provide the Court with a status report concerning the bankruptcy appeal styled *In re Madison Square Boys & Girls Club, Inc.*, Case No. 22-cv-7575-KPF (United States District Court, Southern District of New York), that relates to both of the above-referenced cases.

On August 18, 2022, the Court in *Madison Square* ruled that arrangements between one of the Court's approved claims agents, Epiq Corporate Restructuring, LLC, and Xclaim, Inc., for the synchronization of creditor claims data to Xclaim's for-profit website, violated 28 U.S.C. § 156(c) and related local guidelines. *See In re Madison Sq. Boys & Girls Club, Inc.*, 642 B.R. 487 (Bankr. S.D.N.Y. 2022). Xclaim appealed the Court's ruling and related order to the district court on September 1, 2022.

On January 31, 2023, the district court entered an *Order to Show Cause*, requiring Xclaim to show cause why it had not complied with the briefing deadlines of Federal Rule of Bankruptcy Procedure 8018 and the district court's prior orders. Case No. 22-cv-7575-KPF, Dkt. 15. Later that same day, in a letter by its principal, Matthew Sedigh, Xclaim advised that it "no longer wishes to pursue this appeal." *Id.*, at Dkt. 16. The district court then memo endorsed Xclaim's letter, granting Xclaim's request to dismiss the appeal. *Id.*, at Dkt. 17. A copy of the memo

Hon. Chief Judge Martin Glenn
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endorsed letter is enclosed for the Court's convenience.

Thank you.

Very truly yours,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

By: /s/ Andrew D. Velez-Rivera
Trial Attorney

Enclosure



Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Case 22 Civ. 7575 (KPF)

Judge Failla:

XClaim Inc. no longer wishes to pursue its appeal in this case.

Regards,

/s/ Matthew Sedigh
Chief Executive Officer
Xclaim Inc.

In light of the above representation from Appellant, the Court GRANTS Appellant's request to dismiss this appeal. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: January 31, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE